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State of Utah  
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DIVISION OF OIL, GAS AND MINING

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February 28, 2002

Patrick D. Collins, Ph.D., Resident Agent  
Mt. Nebo Scientific Inc.  
P.O. Box 337  
Springville, Utah 84663

RE: Approval of Future Reclamation, NEICO, Wellington Prep. Plant, C/007/012-AM02A,  
Outgoing File

Dear Mr. Collins:

The above-referenced amendment is approved effective February 28, 2002. A stamped incorporated copy is enclosed for your copy of the Mining and Reclamation Plan.

If you have any questions, please feel free to call me at (801) 538-5268.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Pamela Grubaugh-Littig'.

Pamela Grubaugh-Littig  
Permit Supervisor

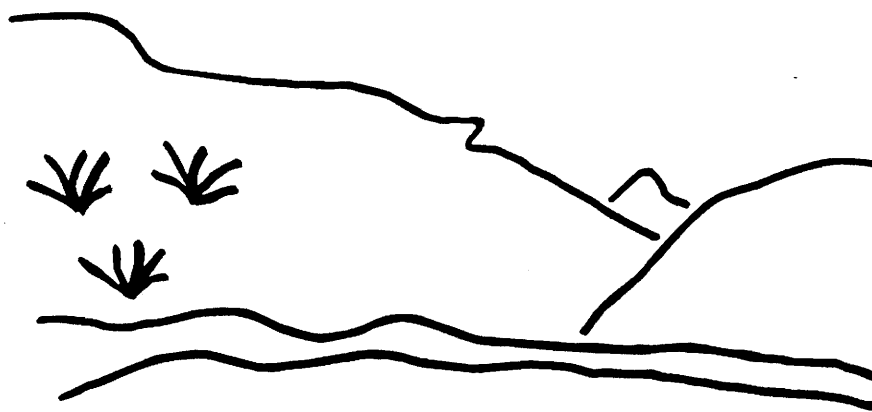
SJD/sd

Enclosure:

cc: Mark Page, Water Rights, w/o enc  
Dave Ariotti, DEQ, w/o enc  
Derris Jones, DWR, w/o enc  
Price Field Office

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# State of Utah



## Utah Oil Gas and Mining

### Coal Regulatory Program

Wellington Prep Plant  
Future Reclamation  
C/007/012-02A  
Technical Analysis  
February 26, 2002

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**INTRODUCTION**

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**TECHNICAL ANALYSIS****INTRODUCTION**

The permittee (NEICO) would like to continue to reclaim a portion of property at the Wellington Prep. Plant. The permittee has submitted an amendment to remove the remaining support structures that elevate the slurry pipeline across the railroad tracks, the bottomlands of the property, and the Price River (see Figures 5.40-1 and 5.40.2).

The reclamation project would involve one crew removing the nuts, bolts, and other items that secure the vertical and horizontal support structures. Once this work is accomplished, pick-up trucks, dump trucks, a Case 580 Backhoe, a 65-ton Crane, and a Tractor-trailer will be used to remove the structure.

The permittee would like to act on this project as soon as possible, since this project is near the riparian area near the Price River. The ground is currently frozen and the vegetation is dormant causing fewer disturbances to the area.

Once the project has been completed the permittee could request a reduction in the bonding amount.

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February 26, 2002

## INTRODUCTION

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## ENVIRONMENTAL RESOURCE INFORMATION

Regulatory Reference: Pub. L 95-87 Sections 507(b), 508(a), and 516(b); 30 CFR 783., et. al.

### VEGETATION RESOURCE INFORMATION

Regulatory Reference: 30 CFR 783.19; R645-301-320.

#### Minimum Regulatory Requirements:

Provide a map that delineates existing vegetative types and a description of the plant communities within the area affected by surface operations and facilities and within any proposed reference area. The description shall include information adequate to predict the potential for reestablishing vegetation. The map or aerial photograph is required, sufficient adjacent areas shall be included to allow evaluation of vegetation as important habitat for fish and wildlife for those species of fish and wildlife as identified under the fish and wildlife resource information.

#### Analysis:

The riparian vegetation near the Price River where the reclamation activities will occur is dominated by two non-native plant species: tamarisk (*Tamarisk chinensis*) and common reed (*Phragmites communis*). Little or no work is expected to be necessary to the riparian area. The permittee will remove some tamarisk in this area. This plant is aggressive in reestablishing itself, no major impact to this area will occur. This plant is considered non-desirable.

#### Findings:

The permittee has met the minimum requirements of this section.

## FISH AND WILDLIFE RESOURCE INFORMATION

Regulatory Reference: 30 CFR 784.21; R645-301-322.

#### Minimum Regulatory Reference:

The application shall include fish and wildlife resource information for the permit area and adjacent area. The scope and level of detail for such information shall be determined by the Division in consultation with State and Federal agencies with responsibilities for fish and wildlife and shall be sufficient to design the protection and enhancement plan required under the operation and reclamation plan.

Site-specific resource information necessary to address the respective species or habitats shall be required when the permit area or adjacent area is likely to include:

- (1) Listed or proposed endangered or threatened species of plants or animals or their critical habitats listed by the Secretary under the endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.), or those species or habitats protected by similar State statutes;
  - (2) Habitats of unusually high value for fish and wildlife such as important streams, wetlands, riparian areas, cliffs supporting raptors, areas offering special shelter or protection, migration routes, or reproduction and wintering areas;
- or

## ENVIRONMENTAL RESOURCE INFORMATION

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- (2) Other species or habitats identified through agency consultation as requiring special protection under State or Federal law.

### Analysis:

The permittee and the inspector have walked the project area (twice) in search of birds' nests. There were no signs of any bird's nests around or on the bridge structure that would be affected by this reclamation project.

### Findings:

The permittee has made a visual inspection trying to locate birds' nests in the area. No nests were found around or on the structure. Therefore, the permittee has met the minimum requirements of this section.

## SOILS RESOURCE INFORMATION

Regulatory Reference: 30 CFR 783.21; 30 CFR 817.22; 30 CFR 817.200(c); 30 CFR 823; R645-301-220; R645-301-411.

### Minimum Regulatory Requirements:

Provide adequate soil survey information on those portions of the permit area to be affected by surface operations or facilities consisting of a map delineating different soils, soil identification, soil description, and present and potential productivity of existing soils.

Where selected overburden materials are proposed as a supplement or substitute for topsoil, provide results of the analysis, trials and tests required. Results of physical and chemical analyses of overburden and topsoil must be provided to demonstrate that the resulting soil medium is equal to or more suitable for sustaining revegetation than the available topsoil, provided that trials and tests are certified by an approved laboratory. These data may be obtained from any one or a combination of the following sources: U.S. Department of Agriculture Soil Conservation Service published data based on established soil series; U.S. Department of Agriculture Soil Conservation Service Technical Guides; State agricultural agency, university, Tennessee Valley Authority, Bureau of Land Management or U.S. Department of Agriculture Forest Service published data based on soil series properties and behavior; or, results of physical and chemical analyses, field site trials, or greenhouse tests of the topsoil and overburden materials (soil series) from the permit area. If the permittee demonstrates through soil survey or other data that the topsoil and unconsolidated material are insufficient and substitute materials will be used, only the substitute materials must be analyzed.

### Analysis:

The bridge was constructed 20-30 years prior to SMCRA. The topsoil in this area was most likely never removed. The permittee and the inspector have made an inspection of this area. Some of the soils in this area have been covered with coal fines, in some places six inches or more. Plants are growing through and on the coal fines in some of these areas.

The permittee will use the road next to the bridge to remove the structure whenever possible. In some cases, a power line is overhead of the road and the crane would not be able to access the slurry bridge in a safe manner. Therefore, the permittee will move off the road and gain access to the bridge on the other side. An impervious barrier will be placed underneath the working equipment once in place. This impervious barrier (e.g. brattice material) will prevent



**ENVIRONMENTAL RESOURCE INFORMATION**

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oil or other fluid leaks from dropping to the soils in the area. Also on hand will be absorbent pillows to absorb and remove any fluids from the brattice material if leaks do occur.

**Findings:**

The permittee has met the minimum requirements of this section.

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**ENVIRONMENTAL RESOURCE INFORMATION**

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**OPERATION PLAN**

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# **OPERATION PLAN**

## **TOPSOIL AND SUBSOIL**

Regulatory Reference: 30 CFR 817.22; R645-301-230.

### **Minimum Regulatory Requirements:**

#### **Topsoil removal and storage**

All topsoil shall be removed as a separate layer from the area to be disturbed, and segregated. Where the topsoil is of insufficient quantity or of poor quality for sustaining vegetation, the selected overburden materials approved by the Division for use as a substitute or supplement to topsoil shall be removed as a separate layer from the area to be disturbed, and segregated. If topsoil is less than 6 inches thick, the operator may remove the topsoil and the unconsolidated materials immediately below the topsoil and treat the mixture as topsoil.

The Division may choose not to require the removal of topsoil for minor disturbances which occur at the site of small structures, such as power poles, signs, or fence lines; or, will not destroy the existing vegetation and will not cause erosion.

All materials shall be removed after the vegetative cover that would interfere with its salvage is cleared from the area to be disturbed, but before any drilling, blasting, mining, or other surface disturbance takes place.

Selected overburden materials may be substituted for, or used as a supplement to, topsoil if the operator demonstrates to the Division that the resulting soil medium is equal to, or more suitable for sustaining vegetation than, the existing topsoil, and the resulting soil medium is the best available in the permit area to support revegetation.

Materials removed shall be segregated and stockpiled when it is impractical to redistribute such materials promptly on regraded areas. Stockpiled materials shall: be selectively placed on a stable site within the permit area; be protected from contaminants and unnecessary compaction that would interfere with revegetation; be protected from wind and water erosion through prompt establishment and maintenance of an effective, quick growing vegetative cover or through other measures approved by the Division; and, not be moved until required for redistribution unless approved by the Division.

Where long-term surface disturbances will result from facilities such as support facilities and preparation plants and where stockpiling of materials would be detrimental to the quality or quantity of those materials, the Division may approve the temporary distribution of the soil materials so removed to an approved site within the permit area to enhance the current use of that site until needed for later reclamation, provided that: such action will not permanently diminish the capability of the topsoil of the host site; and, the material will be retained in a condition more suitable for redistribution than if stockpiled.

The Division may require that the B horizon, C horizon, or other underlying strata, or portions thereof, be removed and segregated, stockpiled, and redistributed as subsoil in accordance with the above requirements if it finds that such subsoil layers are necessary to comply with the revegetation.

### **Analysis:**

#### **Removal and Storage**

There will be no removal of topsoil for this reclamation project. Some of the area around the bridge is covered with coal fines. This area was disturbed when the bridge was built in the 50's. This construction was prior to SMCRA regulations.

The method of leaving the topsoil in place and covering the soil under mobile equipment will cause less environmental damage than removing all of the topsoil prior to reclaiming the

bridge. The US Forest Service, BLM and DOGM on several exploration drill holes sites have approved this method.

**Findings:**

The permittee has met the minimum requirements of this section.

## VEGETATION

Regulatory Reference: R645-301-330, -301-331, -301-332.

**Minimum Regulatory Requirements:**

Each application will contain a plan for protection of vegetation, fish, and wildlife resources throughout the life of the mine. The plan will provide a description of the measures taken to disturb the smallest practicable area at any one time and through prompt establishment and maintenance of vegetation for interim stabilization of disturbed areas to minimize surface erosion. This may include part or all of the plan for final revegetation as described in reclamation plan for revegetation.

For UNDERGROUND COAL MINING AND RECLAMATION ACTIVITIES a description of the anticipated impacts of subsidence on renewable resource lands and how such impact will be mitigated needs to be presented.

A description of how, to the extent possible, using the best technology currently available, the operator will minimize disturbances and adverse impacts. This description will include protective measures that will be used during the active mining phase of operation. Such measures may include the establishment of buffer zones, the selective location and special design of haul roads and powerlines, the monitoring of surface water quality and quantity, and through prompt establishment and maintenance of vegetation for interim stabilization of disturbed areas to minimize surface erosion.

**Analysis:**

The vegetation at the present time is dormant. The reclamation project will cause very little damage to the plants. The two main plants in this area are tamarisk (*Tamarisk chinensis*) and common reed (*Phragmites communis*) and both are non-native plants. The vegetation will not be removed except for a few tamarisks. This plant is considered a non-desirable plant. The ground will be covered with brattice cloth to protect the soil and plants from equipment fluid leaks. The US Forest Service, BLM and DOGM have approved this method on exploration drilling projects.

**Findings:**

The permittee has met the minimum requirements of this section.

## HYDROLOGIC INFORMATION

Regulatory Reference: 30 CFR 773.17, 774.13, 784.14, 784.16, 784.29, 817.41, 817.42, 817.43, 817.45, 817.49, 817.56, 817.57; R645-300-140, -300-141, -300-142, -300-143, -300-144, -300-145, -300-146, -300-147, -300-147, -300-148, -301-512, -301-514, -301-521, -301-531, -301-532, -301-533, -301-536, -301-542, -301-720, -301-731, -301-732, -301-733, -301-742, -301-743, -301-750, -301-761, -301-764.

## **OPERATION PLAN**

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### **Minimum Regulatory Requirements:**

#### **Stream buffer zones**

No land within 100 feet of a perennial stream or an intermittent stream shall be disturbed by underground mining activities, unless the Division specifically authorizes underground mining activities closer to, or through, such a stream. The Division may authorize such activities only upon finding that: underground mining activities will not cause or contribute to the violation of applicable State or Federal water quality standards and will not adversely affect the water quantity and quality or other environmental resources of the stream; and, if there will be a temporary or permanent stream-channel diversion, it will comply with the regulatory requirements for diversions.

The area not to be disturbed shall be designated as a buffer zone, and the operator shall mark it accordingly with buffer zone markers.

#### **Sediment control measures**

Appropriate sediment control measures shall be designed, constructed, and maintained using the best technology currently available to: prevent, to the extent possible, additional contributions of sediment to stream flow or to runoff outside the permit area; meet the more stringent of applicable State or Federal effluent limitations; and, minimize erosion to the extent possible.

Sediment control measures include practices carried out within and adjacent to the disturbed area. The sedimentation storage capacity of practices in and downstream from the disturbed areas shall reflect the degree to which successful mining and reclamation techniques are applied to reduce erosion and control sediment. Sediment control measures consist of the utilization of proper mining and reclamation methods and sediment control practices, singly or in combination. Sediment control methods include but are not limited to: disturbing the smallest practicable area at any one time during the mining operation through progressive backfilling, grading, and prompt revegetation; stabilizing the backfilled material to promote a reduction of the rate and volume of runoff; retaining sediment within disturbed areas; diverting runoff away from disturbed areas; diverting runoff using protected channels or pipes through disturbed areas so as not to cause additional erosion; using straw dikes, riprap, check dams, mulches, vegetative sediment filters, dugout ponds, and other measures that reduce overland flow velocity, reduce runoff volume, or trap sediment; treating with chemicals; and, treating mine drainage in underground sumps.

### **Analysis:**

#### **Stream Buffer Zones**

There should be little or no disturbance to the soils since grading of the earth is not necessary. However, the permittee will be within 100 ft of the Price River. The affected area around the Price River is relatively level. The permittee will place straw bales between the Price River and the work area to ensure no sediment could enter the river. This will be done in areas where equipment is close to the river. This will protect the river. Therefore, a finding has been made that the permittee can reclaim the bridge within 100 ft of the stream buffer zone.

#### **Sediment Control Measures**

The permittee will install straw bales along the Price River when the reclamation activities are close to the banks of the river. This area is generally flat and the vegetation will not be removed except for a few tamarisks.

### **Findings:**

The permittee has met the minimum requirements of this section.

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## OPERATION PLAN

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RECLAMATION PLAN

# RECLAMATION PLAN

## BACKFILLING AND GRADING

Regulatory Reference: 30 CFR 785.15, 817.102, 817.107; R645-301-234, -301-537, -301-552, -301-553, -302-230, -302-231, -302-232, -302-233.

### Minimum Regulatory Requirements:

#### General

Disturbed areas shall be backfilled and graded to: achieve the approximate original contour; eliminate all highwalls, spoil piles, and depressions; achieve a postmining slope that does not exceed either the angle of repose or such lesser slope as is necessary to achieve a minimum long term static safety factor of 1.3 and to prevent slides; minimize erosion and water pollution both on and off the site; and, support the approved postmining land use.

The postmining slope may vary from the approximate original contour when approval is obtained from the Division for a variance from approximate original contour requirements, or when incomplete elimination of highwalls in previously mined areas is allowed under the regulatory requirements. Small depressions may be constructed if they are needed to retain moisture, minimize erosion, create and enhance wildlife habitat, or assist revegetation.

If it is determined by the Division that disturbance of the existing spoil or underground development waste would increase environmental harm or adversely affect the health and safety of the public, the Division may allow the existing spoil or underground development waste pile to remain in place. Accordingly, regrading of settled and revegetated fills to achieve approximate original contour at the conclusion of underground mining activities shall not be required if: the settled and revegetated fills are composed of spoil or nonacid- or nontoxic-forming underground development waste; the spoil or underground development waste is not located so as to be detrimental to the environment, to the health and safety of the public, or to the approved postmining land use; stability of the spoil or underground development waste must be demonstrated through standard geotechnical analysis to be consistent with backfilling and grading requirements for material on the solid bench (1.3 static safety factor) or excess spoil requirements for material not placed on a solid bench (1.5 static safety factor); and, the surface of the spoil or underground development waste shall be vegetated in accordance with the revegetation standards for success, and surface runoff shall be controlled in accordance with the regulatory requirements for diversions.

Spoil shall be returned to the mined-out surface area. Spoil and waste materials shall be compacted where advisable to ensure stability or to prevent leaching of toxic materials. Spoil may be placed on the area outside the mined-out surface area in nonsteep slope areas to restore the approximate original contour by blending the spoil into the surrounding terrain if the following requirements are met: all vegetative and organic materials shall be removed from the area; the topsoil on the area shall be removed, segregated, stored, and redistributed in accordance with regulatory requirements; the spoil shall be backfilled and graded on the area in accordance with the general requirements for backfilling and grading.

Disposal of coal processing waste and underground development waste in the mined-out surface area shall be in accordance with the requirements for the disposal of spoil and waste materials except that a long-term static safety factor of 1.3 shall be achieved.

Exposed coal seams, acid- and toxic-forming materials, and combustible materials exposed, used, or produced during mining shall be adequately covered with nontoxic and noncombustible materials, or treated, to control the impact on surface and ground water, to prevent sustained combustion, and to minimize adverse effects on plant growth and the approved postmining land use.

Cut-and-fill terraces may be allowed by the Division where: needed to conserve soil moisture, ensure stability, and control erosion on final-graded slopes, if the terraces are compatible with the approved postmining land use; or, specialized grading, foundation conditions, or roads are required for the approved postmining land use, in which case the final grading may include a terrace of adequate width to ensure the safety, stability, and erosion control necessary to implement the postmining land-use plan.

Preparation of final-graded surfaces shall be conducted in a manner that minimizes erosion and provides a surface for replacement of topsoil that will minimize slippage.

**Analysis:**

**General**

No grading of the area will be done.

**Findings:**

The permittee has met the minimum requirements of this section.

**TOPSOIL AND SUBSOIL**

Regulatory Reference: 30 CFR 817.22; R645-301-240.

**Minimum Regulatory Requirements:**

**Redistribution**

Topsoil materials shall be redistributed in a manner that: achieves an approximately uniform, stable thickness consistent with the approved postmining land use, contours, and surface-water drainage systems; prevents excess compaction of the materials; and, protects the materials from wind and water erosion before and after seeding and planting.

Before redistribution of the material, the regarded land shall be treated if necessary to reduce potential slippage of the redistribution material and to promote root penetration. If no harm will be caused to the redistributed material and reestablished vegetation, such treatment may be conducted after such material is replaced.

The Division may choose not to require the redistribution of topsoil or topsoil substitutes on the approved postmining embankments of permanent impoundments or of roads if it determines that placement of topsoil or topsoil substitutes on such embankments is inconsistent with the requirement to use the best technology currently available to prevent sedimentation, and, such embankments will be otherwise stabilized.

Nutrients and soil amendments shall be applied to the initially redistributed material when necessary to establish the vegetative cover.

The Division may require that the B horizon, C horizon, or other underlying strata, or portions thereof, removed and segregated, stockpiled, be redistributed as subsoil in accordance with the requirements of the above if it finds that such subsoil layers are necessary to comply with the revegetation requirements.

**Analysis:**

**Redistribution**

No soil will be removed; therefore, there will be no redistribution of topsoil.

**Findings:**

The permittee has met the minimum requirements of this section.

**REVEGETATION**



## RECLAMATION PLAN

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Regulatory Reference: 30 CFR 785.18, 817.111, 817.113, 817.114, 817.116; R645-301-244, -301-353, -301-354, -301-355, -301-356, -302-280, -302-281, -302-282, -302-283, -302-284.

### Minimum Regulatory Requirements:

#### Revegetation: General requirements

The permittee shall establish on regraded areas and on all other disturbed areas except water areas and surface areas of roads that are approved as part of the postmining land use, a vegetative cover that is in accordance with the approved permit and reclamation plan and that is: diverse, effective, and permanent; comprised of species native to the area, or of introduced species where desirable and necessary to achieve the approved postmining land use and approved by the Division; at least equal in extent of cover to the natural vegetation of the area; and, capable of stabilizing the soil surface from erosion.

The reestablished plant species shall: be compatible with the approved postmining land use; have the same seasonal characteristics of growth as the original vegetation; be capable of self-regeneration and plant succession; be compatible with the plant and animal species of the area; and, meet the requirements of applicable State and Federal seed, poisonous and noxious plant, and introduced species laws or regulations.

The Division may grant exception to these requirements when the species are necessary to achieve a quick-growing, temporary, stabilizing cover, and measures to establish permanent vegetation are included in the approved permit and reclamation plan.

When the Division approves a cropland postmining land use, the Division may grant exceptions to the requirements related to the original and native species of the area. Areas identified as prime farmlands must also meet those specific requirements as specified under that section.

### Analysis:

#### General Requirements

If the soil becomes disturbed during the removal of the slurry bridge, the permittee will seed the area using the seed mixture from Table 5.40-1 that is located in the MRP.

### Findings:

The permittee has met the minimum requirements of this section.

## STABILIZATION OF SURFACE AREAS

Regulatory Reference: 30 CFR 817.95; R645-301-244.

### Minimum Regulatory Requirements:

All exposed surface areas shall be protected and stabilized to effectively control erosion and air pollution attendant to erosion. Rills and gullies which form in areas that have been regraded and topsoiled and which either disrupt the approved postmining land use or the reestablishment of the vegetative cover, or, cause or contribute to a violation of water quality standards for receiving streams, shall be filled, regraded, or otherwise stabilized; topsoil shall be replaced; and the areas shall be reseeded or replanted.

### Analysis:

## RECLAMATION PLAN

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Permittee has no plans to disturb the vegetation or topsoil in removing the slurry bridge. If the area becomes affected, the permittee will re-seed the area using the approved seed mix in Table 5.40-1.

### Findings:

The permittee has met the minimum requirements of this section.

## BONDING AND INSURANCE REQUIREMENTS

Regulatory Reference: 30 CFR 800; R645-301-800, et seq.

### Minimum Regulatory Requirements:

#### Determination of bond amount

The amount of the bond required for each bonded area shall: be determined by the Division; depend upon the requirements of the approved permit and reclamation plan; reflect the probable difficulty of reclamation, giving consideration to such factors as topography, geology, hydrology, and revegetation potential; and, be based on, but not limited to, the estimated cost submitted by the permit applicant.

The amount of the bond shall be sufficient to assure the completion of the reclamation plan if the work has to be performed by the Division in the event of forfeiture, and in no case shall the total bond initially posted for the entire area under 1 permit be less than \$10,000.

An operator's financial responsibility for repairing material damage resulting from subsidence may be satisfied by the liability insurance policy required in this section.

### Analysis:

#### Determination of Bond Amount

The permittee may request a bond reduction after the slurry bridge has been removed through the bond release process.

### Findings:

The permittee has met the minimum requirements of this section.

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